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# SENATE BILL No. 219

AM021902 has been incorporated into introduced printing.

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**Synopsis:** Uniform Antitrust Pre-merger Notification Act.

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2026

IN 219—LS 6798/DI 101



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Introduced

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

## SENATE BILL No. 219

A BILL FOR AN ACT to amend the Indiana Code concerning  
business and other associations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 23-0.7 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 3 2026]:
- 4 **ARTICLE 0.7. UNIFORM ANTITRUST PRE-MERGER**
- 5 **NOTIFICATION ACT**
- 6 **Chapter 1. General Provisions**
- 7 **Sec. 1. This article may be cited as the Uniform Antitrust**
- 8 **Pre-Merger Notification Act.**
- 9 **Sec. 2. This article applies to a pre-merger notification filed**
- 10 **after June 30, 2026.**
- 11 **Sec. 3. For purposes of applying and construing this article,**
- 12 **consideration shall be given to the need to promote uniformity of**
- 13 **the law among jurisdictions that enact the Uniform Antitrust**
- 14 **Pre-Merger Notification Act.**
- 15 **Sec. 4. Nothing in this article may be construed to limit or**

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replace a requirement imposed under IC 25-1-8.5 (reporting of health care entity mergers and acquisitions).

## **Chapter 2. Definitions**

**Sec. 0.5.** The definitions in this chapter apply throughout this article.

**Sec. 1.** "Additional documentary material" means the additional documentary material filed with a Hart-Scott-Rodino form.

**Sec. 2.** "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

**Sec. 3.** "Filing threshold" means the minimum size of a transaction that requires the transaction to be reported under the Hart-Scott-Rodino Act, as in effect at the time a person files a pre-merger notification.

**Sec. 4.** "Hart-Scott-Rodino Act" refers to Section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), as amended.

**Sec. 5.** "Hart-Scott-Rodino form" means the form filed with a pre-merger notification. The term does not include additional documentary material.

**Sec. 6.** "Person" means an individual, estate, business or not-for-profit entity, government or governmental subdivision, agency, or instrumentality, or other legal entity.

**Sec. 7.** "Pre-merger notification" means a notification filed under the Hart-Scott-Rodino Act with:

- (1) the Federal Trade Commission; or
- (2) the Antitrust Division of the United States Department of Justice;

or a successor of either agency.

**Sec. 8.** "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States.

## **Chapter 3. Filing Requirement**

**Sec. 1.** (a) Except as provided in subsection (e), not later than one (1) business day after filing a pre-merger notification under the Hart-Scott-Rodino Act, a person shall file a completed electronic copy of the Hart-Scott Rodino form with the attorney general if:

- (1) the person's principal place of business is in Indiana; or
- (2) either:
  - (A) the person; or

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1 (B) a person controlled directly or indirectly by the  
 2 person;  
 3 has annual net sales in Indiana, with respect to the goods or  
 4 services involved in the proposed merger transaction, in an  
 5 amount equal to at least twenty percent (20%) of the filing  
 6 threshold.

7 (b) A person that files a Hart-Scott-Rodino form with the  
 8 attorney general under subsection (a)(1) shall include with the  
 9 filing a complete electronic copy of the additional documentary  
 10 material.

11 (c) A person that files a Hart-Scott-Rodino form with the  
 12 attorney general under subsection (a)(2) shall, upon request of the  
 13 attorney general, provide a complete electronic copy of the  
 14 additional documentary material to the attorney general not later  
 15 than seven (7) days after the date of receipt of the attorney  
 16 general's request.

17 (d) The attorney general may not charge a person a fee in  
 18 connection with:

- 19 (1) filing a Hart-Scott-Rodino form; or
- 20 (2) filing or providing the additional documentary material;
- 21 under this section.

22 (e) An Indiana health care entity that has filed a written notice  
 23 of a merger or acquisition with the office of the attorney general  
 24 under IC 25-1-8.5-4 is not required to file an electronic copy of the  
 25 Hart-Scott-Rodino form under subsection (a). The Indiana health  
 26 care entity is required to comply with all other requirements of this  
 27 section.

#### 28 Chapter 4. Confidentiality

29 Sec. 1. (a) Except as provided in subsection (b) or  
 30 IC 23-0.7-5-1, the following are confidential for purposes of  
 31 IC 5-14-3 and may not be disclosed or made public by the attorney  
 32 general:

- 33 (1) A Hart-Scott-Rodino form filed under IC 23-0.7-3-1.
- 34 (2) Additional documentary material filed or provided under
- 35 IC 23-0.7-3-1.
- 36 (3) A Hart-Scott-Rodino form or additional documentary
- 37 material provided to the attorney general by the attorney
- 38 general of another state.
- 39 (4) The fact that a Hart-Scott-Rodino form or additional
- 40 documentary material has been:
- 41 (A) filed or provided under IC 23-0.7-3-1; or
- 42 (B) provided by the attorney general of another state.



(5) The fact that the merger transaction that is the subject of a Hart-Scott-Rodino form has been proposed or any information related to the proposed merger transaction.

(b) The attorney general may disclose:

- (1) a Hart-Scott-Rodino form;
- (2) additional documentary material; or
- (3) other information described in subsection (a);

pursuant to a protective order issued by an agency, court, or judicial officer in an administrative proceeding or judicial action if the proposed merger transaction is relevant to the proceeding or action.

(c) This section does not:

(1) limit or annul any other:

- (A) confidentiality; or
- (B) information security;

obligation of the attorney general;

(2) preclude the attorney general from sharing information with:

- (A) the Federal Trade Commission; or
- (B) the Antitrust Division of the United States Department of Justice;

or a successor of either agency; or

(3) preclude the attorney general from sharing information with the attorney general of another state that has enacted:

- (A) the Uniform Antitrust Pre-Merger Notification Act;
- or

(B) a substantively equivalent act that includes confidentiality provisions that are at least as protective as the confidentiality provisions of the Uniform Antitrust Pre-Merger Notification Act.

#### Chapter 5. Reciprocity

Sec. 1. (a) The attorney general may disclose a Hart-Scott-Rodino form and additional documentary material filed with or provided to the attorney general under IC 23-0.7-3-1 to the attorney general of another state that has enacted:

- (1) the Uniform Antitrust Pre-Merger Notification Act; or
- (2) a substantively equivalent act that includes confidentiality provisions that are at least as protective as the confidentiality provisions of the Uniform Antitrust Pre-Merger Notification Act.

(b) At least two (2) business days before making a disclosure under subsection (a), the attorney general shall give notice to the

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1 person that filed or provided the Hart-Scott-Rodino form or  
2 additional documentary material under IC 23-0.7-3-1.

3 **Chapter 6. Enforcement**

4 **Sec. 1. The attorney general may impose on a person that**  
5 **violates IC 23-0.7-3-1 a civil penalty of not more than ten thousand**  
6 **dollars (\$10,000) per day for each day that the violation remains**  
7 **unremedied.**

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